

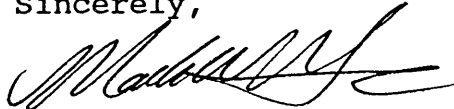
Colonel Terry L. Rice

Page 2

May 24, 1995

protection of our public beach, but also is completed with minimal impacts upon natural and recreational resources.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Mark W. Glisson', with a stylized, flowing script.

Mark W. Glisson, Chief  
Bureau of Natural & Cultural Resources  
Division of Recreation & Parks

MWG/mb

cc: Joe Knoll, Asst Director, DRP  
Jeremy Craft, Director, DERP  
Larry Perry, Bureau Chief, Parks District 3  
Paul Crawford, Manager, Anastasia State Park  
Mike Ashey, Chief, BSLER  
Al Devereaux, Chief, BBCS  
Tracy Peters, DSL



FLORIDA DEPARTMENT OF STATE

Sandra B. Mortham  
Secretary of State

DIVISION OF HISTORICAL RESOURCES

R.A. Gray Building  
500 South Bronough Street  
Tallahassee, Florida 32399-0250

Director's Office  
(904) 488-1480

Telecopier Number (FAX)  
(904) 488-3353

June 16, 1995

Mr. Giralmo DiChiara, Chief  
Construction-Operations Division  
Jacksonville District, Corps of Engineers  
P.O. Box 4970  
Jacksonville, Florida 32232-0019

In Reply Refer To:  
Frank J. Keel  
Historic Sites Specialist  
(904) 487-2333  
Project File No. 951743

RE: Cultural Resource Assessment Request  
Public Notice No: PN-SAH-199  
Periodic Maintenance Dredging of St. Augustine Entrance Channel  
St. Johns County, Florida

Dear Mr. DiChiara:

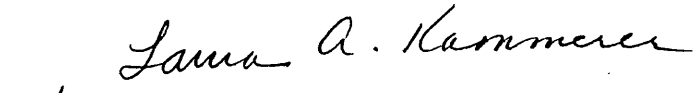
In accordance with the procedures contained in 36 C.F.R., Part 800 ("Protection of Historic Properties"), we have reviewed the referenced project(s) for possible impact to historic properties listed, or eligible for listing, in the *National Register of Historic Places*. The authority for this procedure is the National Historic Preservation Act of 1966 (Public Law 89-665), as amended.

It is the opinion of this office that the placement of dredged material on St. Augustine Beach and maintenance dredging within the existing entrance channel will have no effect on historic properties listed or eligible for listing in the *National Register of Historic Places*. However, in June 1, 1995 letter to this office from A. J. Salem, Jacksonville District Planning Division, two areas adjacent to the entrance channel are scheduled for advance maintenance (see enclosed map). The letter states that cultural resource investigations, including a magnetometer survey will be performed for these areas. Therefore conditioned upon the Jacksonville District completing the magnetometer survey and forward the results to this office for review and comment, the proposed project will have no effect on historic properties listed or eligible for listing in the National Register.

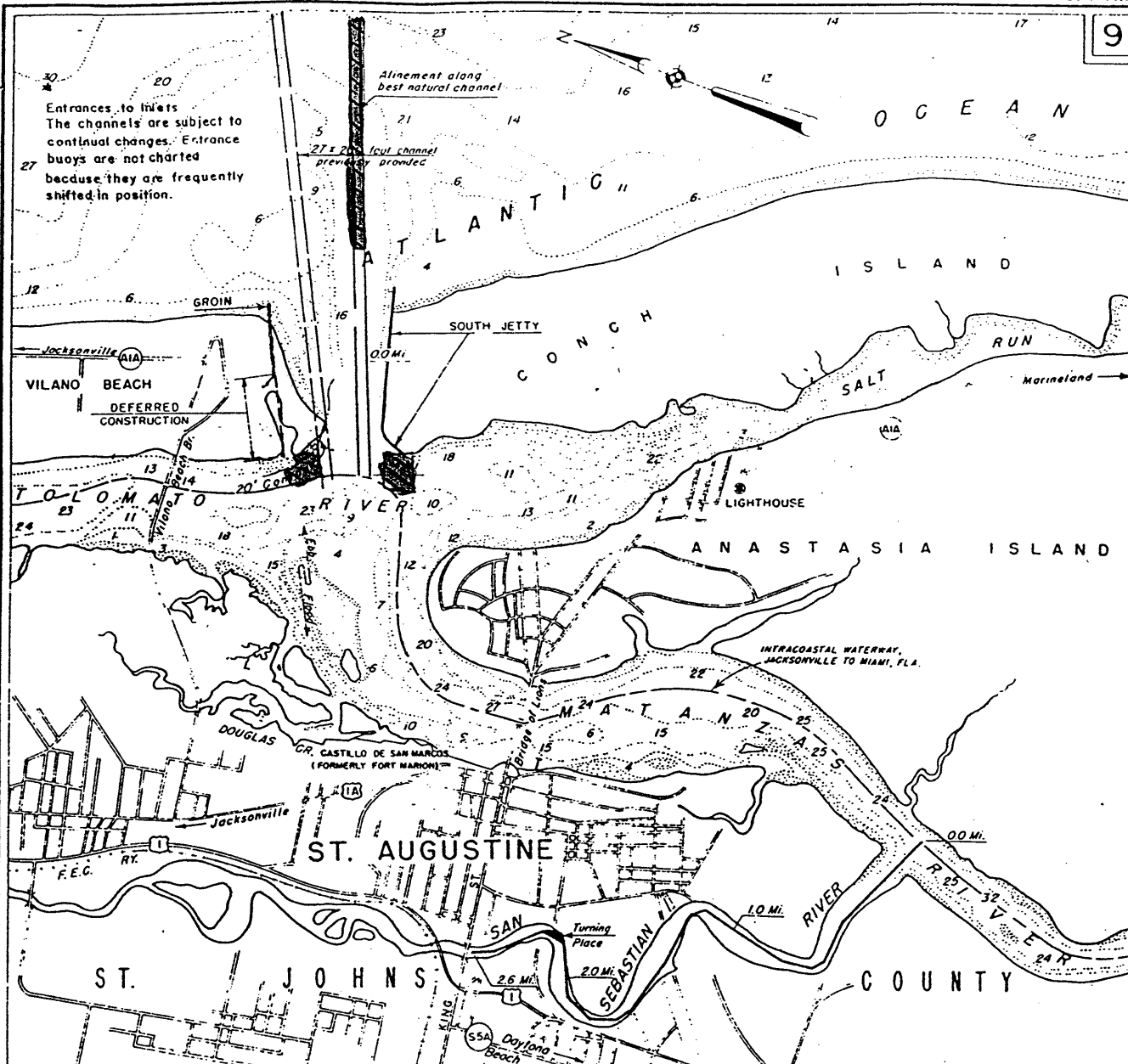
Mr. Dichiaro  
June 16, 1995  
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If you have any questions concerning our comments, please do not hesitate to contact us. Your interest in protecting Florida's historic properties is appreciated.

Sincerely,

  
George W. Percy, Director  
Division of Historical Resources  
and  
State Historic Preservation Officer

GWP/Kfk  
Enclosure (1)



PROJECT: A channel 16' x 200' along best natural alignment as may exist from time to time across new inlet bar, thence 12 feet deep to the Intracoastal Waterway, a sand-trap groin on north side of the inlet extending seaward from shore of Vilano Beach, and a sand-tight jetty on south side of channel extending seaward from shore of Conch Island parallel to and coextensive with the groin; future landward extension of the groin and jetty; and a channel 10' x 100' in San Sebastian River from the Intracoastal Waterway to King Street bridge, with a turning place near the upper end.



= APPROX. LOCATION OF PROPOSED DREDGING

AUTHORIZATION FOR EXISTING PROJECT		
ACTS	WORK AUTHORIZED	DOCUMENTS
20 June 1938	Channel 27 X 200 feet protected by a groin.	H. Doc. 555/75/3
17 May 1950	Channel 16' x 200' across bar, and then 12' deep to Intracoastal Waterway; jetty on south side of inlet; future landward extension of groin and jetty; and channel 10' x 100' in San Sebastian River.	H. Doc. 133/81/1

MEAN TIDAL RANGE: 4.5 feet at inlet and 4.2 feet at St. Augustine.

### ST. AUGUSTINE HARBOR, FLA.

SCALE IN FEET

2,000 0 2,000 4,000 5,000

DEPARTMENT OF THE ARMY  
JACKSONVILLE DISTRICT, CORPS OF ENGINEERS  
JACKSONVILLE, FLORIDA

6-30-75

ENC



CO-0 DP  
UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL MARINE FISHERIES SERVICE

Southeast Regional Office  
9721 Executive Center Drive North  
St. Petersburg, Florida 33702

May 23, 1995

904/234-5061

Colonel Terry Rice  
District Engineer, Jacksonville District  
Department of the Army, Corps of Engineers  
Construction-Operations Division  
P.O. Box 4970  
Jacksonville, Florida 32232-0019

Dear Colonel Rice:

The National Marine Fisheries Service has reviewed the project plans advertised in the following public notice(s). We anticipate that any adverse effect that might occur on marine and anadromous fishery resources would be minimal and, therefore, do not object to issuance of the permit(s).

<u>NOTICE NO.</u>	<u>COUNTIES</u>	<u>APPLICANT</u>	<u>NOTICE DATE</u>	<u>DUE DATE</u>
PN--SAH-199	St. Johns	COE	5/4/95	6/3/95

Sincerely,

*Edwin Mager*

Andreas Mager, Jr.  
Assistant Regional Director  
Habitat Conservation Division

cc:  
F/SEO2



## APPENDIX IV

COMPLIANCE WITH ENVIRONMENTAL LAWS AND REGULATIONS

## COMPLIANCE WITH ENVIRONMENTAL REQUIREMENTS.

1. National Environmental Policy Act of 1969, as amended. Environmental information on the project has been compiled and the draft Environmental Assessment, was made available for public review through public notice in compliance with 33 CFR Parts 335-338. These regulations govern the Operations and Maintenance of US Army Corps of Engineers Civil Works Projects involving the Discharge of Dredged or Fill Material into Waters of the US or Ocean Waters. This public coordination and environmental impact assessment complies with the intent of NEPA. The process will fully comply with the Act once the Findings of No Significant Impact has been signed by the District Commander.

2. Endangered Species Act of 1973, as amended. Consultation with the U.S. Fish and Wildlife Service was initiated in 1994 for the preparation of a Fish and Wildlife Coordination Act Report and Biological Opinion in conjunction with a study authorized by Section 933 of the Water Resources Development Act of 1986. By letter dated 7 December 1994 (Appendix II), the USFWS prepared a BO for the project determining that there would be no impacts on the manatee should standard conditions be implemented and that the project would not jeopardize the continued existence of nesting sea turtles if a nest monitoring and relocation program occurred during the 1 March through the 30 October time frame and that beach tilling is required if compaction above 500 cpu's occurs or escarpments are formed 3 years after beach placement. The National Marine Fisheries Service has issued a Regional Biological Opinion for hopper dredging within the southeastern United States. If a hopper dredge is selected, it would comply with the special conditions which includes the use of a special turtle deflector draghead, monitoring, and pre-dredge population surveys.

This project was fully coordinated under the Endangered Species Act; therefore, this project is in full compliance with the Act.

3. Fish and Wildlife Coordination Act of 1958, as amended. The project has been coordinated with the USFWS during the public notice period. The USFWS did not respond to the public notice. It previously prepared a Coordination Act Report for the Section 933 Study. Therefore, the project is in compliance with the Act.

4. National Historic Preservation Act of 1966, as amended (PL 89-665). An archival and literature review was conducted for channel segments that will be maintained at St. Augustine. A historic property magnetometer survey and diver investigation of potentially significant magnetic targets have been completed for the advance maintenance area. We have coordinated our no effect determination with the Florida State Historic Preservation Officer (SHPO). In a 19 January 1996 telephone conversation, the SHPO concurred with the determination that significant historic properties will not be effected by the proposed maintenance dredging project. The District has also determined that beach placement of dredged material will not have an adverse effect on significant cultural resources. Therefore, the project is in compliance with this Act and with the Archeological and

Historic Preservation Act, as amended (PL 93-291).

5. Clean Water Act of 1972, as amended.

5.1. Section 401. A Water Quality Certification (No. 552444459) was issued by the Florida Department of Environmental Protection on 1 September 1995 and expires in 2005.

5.2. Section 404 (b)(1). The purpose of Section 404(b)(1) of the Clean Water Act is to restore and maintain the chemical, physical, and biological integrity of the waters of the United States through the control of discharges of dredged or fill material. Controls are established through restrictions placed on the discharges in Guidelines published in 40 CFR 230. The return water discharge is subject to evaluation pursuant this Section.

An evaluation of the dredged material was conducted in accordance with Part 230.61 (Appendix I). The impacts are addressed in the Environmental Assessment and are primarily related to a minor increases in turbidity levels adjacent to the disposal area from the return water in the surf zone. Since there would be no other practicable alternatives to the proposal, the adverse impacts have been minimized to the extent possible, and no other restrictions have been violated, and, consequently, the proposed work would comply with the restrictions in Section 230.10. In addition, there is no indication that the return water from the dredged material to be used for the project would be contaminated above background levels. Therefore, the dredged material is designated as a Category 1 discharge and, in accordance with Part 230.63(a), no testing of chemical-biological interactive affects is required.

Based on the probable impacts addressed above, compliance with the restrictions, and all other information concerning the fill materials to be used, the proposed work would comply with the Guidelines and the intent of Section 404(b)(1) of the Clean Water Act.

6. Clean Air Act of 1972, as amended. No air quality permits will be required for this project. Therefore, this Act would not be applicable.

7. Coastal Zone Management Act of 1972, as amended. The project has been evaluated in accordance with Section 307 of the Coastal Zone Management Act. It has been determined that the project would have no unacceptable impacts and would be consistent with the Florida Coastal Management Plan (Appendix V). In accordance with the 1979 Memorandum of Understanding and the 1983 Addendum to the Memorandum concerning acquisition of water quality certifications and other State of Florida authorizations, the preliminary Environmental Assessment and Section 404(b)(1) Evaluation have been submitted to the State in lieu of a summary of environmental impacts to show consistency with the Florida Coastal Zone Management Plan. Final state concurrence is issued concurrently with the issuance of the Water Quality Certification.

8. Farmland Protection Policy Act of 1981. No prime or unique farmland will be impacted by implementation of this project. This act is not applicable.



9. Wild and Scenic River Act of 1968, as amended. No designated Wild and Scenic river reaches will be affected by project related activities. This act is not applicable.
10. Marine Mammal Protection Act of 1972, as amended. Incorporation of the safe guards used to protect manatees during dredging and disposal operations will be implemented during construction, therefore, this project is in compliance with the Act.
11. Estuary Protection Act of 1968. No designated estuary will be affected by project activities. This act is not applicable.
12. Federal Water Project Recreation Act, as amended. There is no recreational development proposed for maintenance dredging or disposal. Therefore, this Act does not apply.
13. Resource Conservation and Recovery Act of 1976, (PL 94-580; 7 U.S.C. 100, et seq. This law has been determined not to apply as there are no items regulated under this act being disposed of or affected by this project.
14. Toxic Substances Control Act of 1976, (PL 94-469; U.S.C. 2601, et seq. This law has been determined not to apply as there are no items regulated under this act being disposed of or affected by this project.
15. E.O. 11990, Protection of Wetlands. No wetlands will be affected by project activities. This project is in compliance with the goals of this Executive Order.
16. E.O. 11988, Floodplain Management. No activities associated with this project will take place within a floodplain, therefore this project is in compliance with the goals of this Executive Order.
17. Coastal Barrier Resources Act, PL 101-591. The proposed work would occur within Coastal Barrier Unit PO5 located on the St. Augustine Quadrangle as prepared by the Department of Interior in the Report to Congress on the Coastal Barrier Resources System. In accordance with 43 CFR Subtitle A, Section II. Exceptions and Consultation, Subsection Exceptions (2) Channel improvements (Section 6(a)(2)), the maintenance dredging and disposal are exempted from the Act.

# APPENDIX V

## COASTAL ZONE CONSISTENCY DETERMINATION

## **Florida Coastal Zone Management Program Federal Consistency Evaluation Procedures**

### **1. Chapter 161, Beach and Shore Preservation.**

The intent of the coastal construction permit program established by this chapter is to regulate construction projects located seaward of the line of mean high water and which might have an effect on natural shoreline processes.

Response: The dredging would occur within an established Federal project. The dredged material would be placed along the beach south of harbor entrance on either Anastasia State Recreation Area or St. Augustine beach or in the nearshore disposal area adjacent to St. Augustine beach in accordance with the wishes of the State of Florida. The material would help supplement the sand within the littoral drift zone. Therefore, the dredging and beach placement would be in compliance with the goals of this chapter.

### **2. Chapters 186 and 187, State and Regional Planning.**

These chapters establish the State Comprehensive Plan which sets goals that articulate a strategic vision of the State's future. Its purpose is to define in a broad sense, goals, and policies that provide decision-makers directions for the future and provide long-range guidance for an orderly social, economic and physical growth.

Response: The proposed work has been coordinated with the State without objection.

### **3. Chapter 252, Disaster Preparation, Response and Mitigation.**

This chapter creates a state emergency management agency, with the authority to provide for the common defense; to protect the public peace, health and safety; and to preserve the lives and property of the people of Florida.

Response: The dredging and disposal of material on the beaches south of the harbor entrance or in the nearshore area would protect the navigation channel which could be used in emergency situations for transportation purposes. Placing the material on the beach or in the nearshore area would help protect the adjacent properties during storm surges. Therefore, this work would be consistent with the efforts of Division of Emergency Management.

### **4. Chapter 253, State Lands.**

This chapter governs the management of submerged state lands and resources within state lands. This includes archeological and historical resources; water resources; fish and wildlife resources; beaches and dunes; submerged grass beds and other benthic communities; swamps, marshes and other wetlands; mineral resources; unique natural features; submerged lands; spoil islands; and artificial reefs.

Response: The maintenance dredging of St. Augustine Harbor and the use of the beaches south of the harbor entrance have been previously accomplished. The use of these State lands has been previously approved by the State. A real estate easement would also be obtained for the lands within the State recreation Area. The proposal would comply with the intent of this chapter.

#### 5. Chapters 253, 259, 260, and 375, Land Acquisition.

This chapter authorizes the state to acquire land to protect environmentally sensitive areas.

Response: Since the affected property already is in public ownership, this chapter would not apply.

#### 6. Chapter 258, State Parks and Aquatic Preserves.

This chapter authorizes the state to manage state parks and preserves. Consistency with this statute would include consideration of projects that would directly or indirectly adversely impact park property, natural resources, park programs, management or operations.

Response: The proposed work would affect the Anastasia State Recreation Area. The work has been fully coordinated with the State Recreation personnel and the regional staff. In addition a real estate easement must be obtained from the State for use of the property as either a disposal site or pipeline easement to transfer the material to the nearshore or St. Augustine beach areas. Therefore, be consistent with this chapter.

#### 7. Chapter 267, Historic Preservation.

This chapter establishes the procedures for implementing the Florida Historic Resources Act responsibilities.

Response: The maintenance of the existing navigation channel and dredging of the advance maintenance areas, with disposal of dredged material on the beach, have been investigated for the presence of significant historic

properties. No historic properties were identified during the research and reports resulting from that research were coordinated with the Florida State Historic Preservation Officer (SHPO). In a January 19, 1996 telephone conversation, the SHPO concurred with the District's no effect determination. If significant historic properties are identified during project construction, procedures will be implemented to avoid adverse effects on those resources. The work will be consistent with the goals of this chapter.

#### 8. Chapter 288, Economic Development and Tourism

This chapter directs the state to provide guidance and promotion of beneficial development through encouraging economic diversification and promoting tourism.

Response: The maintenance dredging of the navigation channel encourages economic growth of the area. The additional material placed on the beach helps preserve recreational uses of the beach for tourism. Therefore, the work would be consistent with the goals of this chapter.

#### 9. Chapters 334 and 339, Public Transportation.

This chapter authorizes the planning and development of a safe balanced and efficient transportation system.

Response: The maintenance dredging of the navigation channel promotes navigation within the harbor and the Intracoastal Waterway.

#### 10. Chapter 370, Saltwater Living Resources.

This chapter directs the state to preserve, manage and protect the marine, crustacean, shell and anadromous fishery resources in state waters; to protect and enhance the marine and estuarine environment; to regulate fishermen and vessels of the state engaged in the taking of such resources within or without state waters; to issue licenses for the taking and processing products of fisheries; to secure and maintain statistical records of the catch of each such species; and, to conduct scientific, economic, and other studies and research.

Response: The maintenance dredging of this area would not adversely affect saltwater living resources. The area was moved to avoid these areas. Based on the overall impacts of the work, the work is consistent with the goals of this chapter.

#### 12. Chapter 372, Living Land and Freshwater Resources.

This chapter establishes the Game and Freshwater Fish Commission and

directs it to manage freshwater aquatic life and wild animal life and their habitat to perpetuate a diversity of species with densities and distributions which provide sustained ecological, recreational, scientific, educational, aesthetic, and economic benefits.

Response: No living land or freshwater resources would be impacted by the maintenance dredging. Therefore, the work would comply with the goals of this chapter.

### 13. Chapter 373, Water Resources.

This chapter provides the authority to regulate the withdrawal, diversion, storage, and consumption of water.

Response: This work does not involve water resources as described by this chapter.

### 14. Chapter 376, Pollutant Spill Prevention and Control.

This chapter regulates the transfer, storage, and transportation of pollutants and the cleanup of pollutant discharges.

Response: This work does not involve the transportation or discharging of pollutants. Condition will be placed in the contract to handle any inadvertent spill of pollutants. Therefore, the project would comply with this Act.

### 15. Chapter 377, Oil and Gas Exploration and Production.

This chapter authorizes the regulation of all phases of exploration, drilling, and production of oil, gas, and other petroleum products.

Response: This work does not involve the exploration, drilling or production of gas, oil or petroleum product and therefore does not apply.

### 16. Chapter 380, Environmental Land and Water Management.

This chapter establishes criteria and procedures to assure that local land development decisions consider the regional impact nature of proposed large-scale development.

Response: The maintenance dredging of the navigation channel has been coordinated with the local regional planning commission. Therefore, the work would be consistent with the goals of this chapter.

17. Chapter 388, Arthropod Control.

This chapter provides for a comprehensive approach for abatement or suppression of mosquitoes and other pest arthropods within the state.

Response: The work would not further the propagation of mosquitoes or other pest arthropods.

18. Chapter 403, Environmental Control.

This chapter authorizes the regulation of pollution of the air and waters of the state by the DEP.

Response: The DEP has issued a water quality certification for the project. No air pollution permits are necessary for the project. Effects of the operation of construction equipment on air quality would be minor. Therefore, the work is complying with the intent of this chapter.

19. Chapter 582, Soil and Water Conservation.

This chapter establishes policy for the conservation of the state soil and water through the Department of Agriculture. Land use policies will be evaluated in terms of their tendency to cause or contribute to soil erosion or to conserve, develop, and utilize soil and water resources both onsite or in adjoining properties affected by the work. Particular attention will be given to work on or near agricultural lands.

Response: The proposed work would not contribute to the erosion of valuable topsoil used for agricultural purposes. Therefore, the project would comply with this chapter.